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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,184	04/07/2000	Mark Jacob Ebling	RCA 88759	1451

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/07/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/529,184

Applicant(s)

EBLING ET AL.

Examiner

Matthew R Demicco

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-21 and 49-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-21 and 49-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 4/15/04. Claims 19-21 and 49-57 are pending. Claims 1-18 and 22-48 are cancelled. Claim 19 is amended. Claims 49-57 are new.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-21 and 49-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,818,935 to Maa in view of U.S. Patent No. 5,600,378 to Wasilewski.

Regarding Claim 19, Maa discloses a method for decoding packetized program information to provide data content of a program. The system of Maa is a set top box (Col. 4, Line 56) for accessing Internet links embedded in a video signal (Col. 4, Lines 19-37). The system of Maa discloses identifying information in a program packet (See Figure 1, Video Data Extractor), which describes a multimedia object (Web Page) associated with an image in the program information (Col. 5, Lines 20-25). The multimedia object description information contains a location indicator identifying a location of a multimedia object for use in acquiring said multimedia object in the form of a URL (Col. 5, Lines 26-64). The system of Maa further acquires and decodes the multimedia object using the description information (See Figure 1, Modem and

Processing Unit) and formats the object for display (See Figure 1, Font Repository and Video Display Processor). What is not disclosed, however, is ancillary information including a plurality of partition tables having program specific data partitioned therein and a control table for acquiring and re-assembling the partitioned program specific data disposed in the plurality of partition tables. Wasilewski discloses a system for using the MPEG2 standard to embed ancillary information, including EPG data (Col. 5, Lines 28-33) and other data (Col. 11, Lines 27-36) using a plurality of tables (Col. 1, Lines 42-46) including control tables (Col. 1, Line 59 – Col. 2, Line 11). This reads on the claimed plurality of partition tables having program specific data partitioned therein, a control table for acquiring and re-assembling the partitioned program specific data (Col. 5, Lines 14-18) disposed in the plurality of partition tables. Wasilewski further discloses forming a program guide for display, using the tables (Col. 2, Lines 29-54 and Col. 9, Lines 15-20). Wasilewski is evidence that ordinary workers in the art would recognize the benefits of using MPEG2 program specific information tables to embed and retrieve content associated with video programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Maa with the MPEG2 tables of Wasilewski in order to make use of a widely known, inexpensive and standardized format. What Maa in view of Wasilewski do not disclose, however, is a type indicator identifying a multimedia object type for use in decoding the multimedia object. Official Notice is hereby taken that it is well known in the art to embed a type indicator identifying a multimedia object type in a data stream containing multimedia objects. One such example is the Multipurpose Internet Mail Extension

(MIME) type indicator, which is used by web browsers, among others, to determine the nature of embedded multimedia objects. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Maa in view of Wasilewski to use the type indicator of the well-known prior art in order to support a wide variety of multimedia object types.

Regarding Claim 20, Maa in view of Wasilewski disclose a method as stated above in Claim 19. Maa further discloses that the multimedia object is associated with a video image (Col. 5, Lines 14-25).

Regarding Claim 21, Maa in view of Wasilewski disclose a method as stated above in Claim 20. Maa further discloses that a composite image is formed for display combining the multimedia object and a video program (Col. 5, Lines 1-25).

Regarding Claim 49, Maa in view of Wasilewski discloses a method for providing packetized program information to provide data content of a program as stated above in Claim 1. Wasilewski discloses partitioning program specific data into a plurality of partition tables and generating a control table for acquiring and re-assembling the program specific data disposed in the plurality of partition tables as stated above. Maa discloses incorporating a location indicator and a type indicator as stated above. The plurality of tables and control table packets are inherently transmitted to the receiver, as is well known in the art. Wasilewski further discloses forming a program guide and acquiring a presentation using a location indicator in the program guide as stated above. Further disclosed is using a type indicator to acquire the multimedia object as stated above. What is not disclosed, however, is a program guide that references the multimedia

object. Official Notice is hereby taken that it is well known in the art that a program guide may reference to multimedia objects such as web pages, advertisements, etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Maa in view of Wasilewski with the program guide that references a multimedia object of the well-known prior art in order to allow users to choose such objects with a user-friendly GUI interface.

Regarding Claim 50, Maa in view of Wasilewski discloses a method as stated above in Claim 49. Wasilewski further discloses formatting the plurality of tables and the control table in accordance with the MPEG2 protocol or another protocol (Col. 11, Lines 30-36).

Regarding Claim 51, Maa in view of Wasilewski disclose a method as stated above in Claim 49. Wasilewski further discloses that the program specific information comprises transport stream Ids, network parameters, tuning frequencies and transponder numbers (Col. 1, Lines 59-61). This reads on the claimed network types. Further disclosed is EPG information as stated above. This reads on the claimed time segments. Further disclosed are program numbers of virtual channels (Col. 2, Lines 7-9). This reads on the claimed channel groups.

Regarding Claim 52, Maa in view of Wasilewski discloses a method as stated above in Claim 49. Maa further discloses that the location indicator identifies a location of the multimedia object in information derived from a second source different from the first source. In the system of Maa, the second source is the Internet and the first source is a video signal (See Figure 1).

Regarding Claim 53, Maa in view of Wasilewski discloses a method as stated above in Claim 52. Wasilewski further discloses embedding other types of digital information services such as interactive games and the like (Col. 11, Lines 27-29) using MPEG compatible PIDs (Col. 1, Lines 42-46).

Regarding Claim 54, Maa in view of Wasilewski discloses a method as stated above in Claim 52. Maa further discloses that the location indicator identifies a location of a multimedia object derived from the second source using an Internet URL as stated above. Further, it is inherent in such a system that to properly address and communicate with a web site referenced by a URL, the IP address must be resolved and used.

Regarding Claim 55, Maa in view of Wasilewski discloses a method as stated above in Claim 49. Maa further discloses a method wherein the multimedia object comprises a web page that is viewed in a web browser (Col. 6, Lines 53-64). It is inherent in such a system that a web page being displayed on a web browser would be able to display video or still images, audio, text, advertisements, icons, animation, Email or a user prompting indicator such as a form table.

Regarding Claim 56, Maa in view of Wasilewski discloses a method as stated above in Claim 49. The MIME type of the well-known prior art includes data relating to the object format as stated above.

Regarding Claim 57, Maa in view of Wasilewski discloses a method as stated above in Claim 49. Maa further discloses a method wherein the formatting means include means for associating the multimedia object with a video image (Col. 4, Lines 51-65)

wherein the means forms a composite image for display combining the multimedia object and a video program (Col. 5, Lines 1-3).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/529,184
Art Unit: 2611

Page 8

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mrd
June 23, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER